MARCH 7, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

DAWN PAJOWSKI MENOR,)	08 C 1370
Plaintiff,	
v.)	No.
)	JUDGE ANDERSEN
DEPARTMENT OF HOMELAND SECURITY,)	MAGISTRATE JUDGE SCHENKIER
TRANSPORTATION SECURITY) ADMINISTRATION,)	JURY TRIAL DEMANDED
)	
Defendant.)	

COMPLAINT AT LAW

NOW COMES the plaintiff, DAWN PAJOWSKI MENOR, by and through her attorney, Christopher T. Theisen of the law firm of Theisen & Roche, Ltd. and complaining against the defendant, DEPARTMENT OF HOMELAND SECURITY,

TRANSPORTATION SECURITY ADMINISTRATION, states as follows:

- 1. This action arises under the Federal Tort Claims Act, 28 U.S.C. §2671 et. seq. and this Court has jurisdiction under the provisions of 28 U.S.C. §1346(b).
- 2. Plaintiff is a citizen of the State of Florida. Defendant, Department of Homeland Security, Transportation Security Administration (hereinafter "TSA"), is a federal agency responsible for security and screening of passengers at airports nationwide, with its principal claims office in Arlington, Virginia. The matter in controversy exceeds, exclusive of interests and costs, the minimal jurisdictional sum specified by 28 U.S.C. §1332.
- 3. Plaintiff filed an administrative claim with defendant, TSA, on or about June 28, 2006. Defendant, TSA never sent by certified or registered mail a final written denial of

plaintiff's claim as required under 28 U.S.C.A. §2675(a). Because it has been more than six months since plaintiff has filed her administrative claim, plaintiff is now entitled to institute this action pursuant to 28 U.S.C.A. §2675(a).

- Jurisdiction is proper pursuant to 28 U.S.C. §1402(b). Venue is also proper under 4. 28 U.S.C. §1391 because plaintiff has suffered injury in the City of Chicago, County of Cook, State of Illinois.
- 5. On January 26, 2005, while plaintiff was an airline passenger proceeding through the security screening checkpoint at Midway Airport in Chicago Illinois, operated and staffed by the TSA, defendant's employee and agent, Francisco Partida, was acting within the course and scope of his employment with defendant, TSA as a security screener.
- 6. On January 26, 2005, plaintiff, while at Midway Airport in Chicago, Illinois, was proceeding through the security screening process and metal detectors. At that time, TSA employee or agent, Francisco Partida, acting within the course and scope of his duties as an employee and agent of defendant, was handling the plastic screening trays adjacent to plaintiff and, without warning, dropped one or more loaded plastic trays onto the wrist, hand and arm of plaintiff, Dawn Pajowski Menor, causing serious and permanent injuries.
- 7. At all times herein, defendant and defendant's agent or employee, Francisco Partida, owed plaintiff, Dawn Pajowski Menor, the following duties:
 - (a) to refrain from careless conduct which could cause harm and injury to plaintiff;
 - to properly and safely screen plaintiff's personal belongings so as not to (b) create a dangerous or harmful condition;
 - to properly train and supervise its employees so as not to harm plaintiff or (c) other passengers;

(d) to warn plaintiff and other passengers as to dangerous or hazardous

conduct;

(e) to carefully handle the plastic screening trays to avoid causing injury to

passengers such as plaintiff subject to security screening; and

(f) any other further duty which may be revealed through discovery.

8. As a direct and proximate result of one or more of the above breaches of duty by

defendant, through its agent, Francisco Partida, plaintiff, Dawn Pajowski Menor, was caused to

sustain injuries to her hand, finger, wrist and arm and was otherwise injured, was prevented from

her normal gainful employment, suffered great pain of body and mind, and incurred expenses for

medical attention and surgery.

WHEREFORE, plaintiff, DAWN PAJOWSKI MENOR, demands judgment against

defendant, DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION

SECURITY ADMINISTRATION, in an amount in excess of ONE HUNDRED EIGHTY-

FIVE THOUSAND AND 00/100 DOLLARS (\$185,000.00), for past and future medical

expenses, lost wages, loss of future wages, pain and suffering, costs of this matter, and any other

relief that is deemed appropriate.

Respectfully submitted

THEISEN & ROCHE, LTD.

By:/S/ Christopher T. Theisen

Christopher T. Theisen

Attorney for Plaintiff

THEISEN & ROCHE, LTD.

Attorneys for Plaintiff

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2100 Manchester Road, Suite 201 Wheaton, IL 60187 (630) 871-9003 - PHONE (630) 653-2525 - FAX ARDC #6202010